

EXHIBIT

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SPECIAL REPORT

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ABOUT THE REPORT

This report is based on material gathered during and after a delegation visit to Colombia from February 14 to 20, 2003, organized by the Washington Office on Latin America (WOLA), to evaluate the effects of the internal armed conflict on Colombian civil society. Virginia M. Bouvier, program officer for the Jennings Randolph Fellowship Program of the United States Institute of Peace and a specialist on Latin America, participated in the WOLA delegation, moderated a subsequent conference on Colombia on April 22, 2003 at the Institute, and researched and authored this report. Other delegation members included Congressman James P. McGovern (D-MA); Charles Currie, President, Association of Jesuit Colleges and Universities; Kimberly Stanton, Deputy Director, WOLA; Eric Olson, Advocacy Director for the Americas, Amnesty International; Thomas Hoyt, President-elect, National Council of Churches; Steve Beckman, Assistant Director, Governmental and International Affairs Department, United Auto Workers; Saul Nieves, Service Employees International Union Local 32BJ, New York; Roberto Pagan Rodriguez, President, Puerto Rican Workers' Union (SPT); Ellen Lutz, Executive Director, Center for Human Rights and Conflict Resolution, The Fletcher School of Diplomacy, Tufts University; Cindy Buhl, Legislative Director, Office of Rep. McGovern; Jason Hagen, Associate for Colombia, WOLA; and Tina Hodges, Program Assistant for Mexico and the Andes, WOLA.

The views expressed in this report do not necessarily reflect the views of the entire delegation or of the United States Institute of Peace, which does not advocate specific policies.

Civil Society under Siege in Colombia

Summary

- As foreign aid, drug money, and corruption bolster the armed forces, guerrillas, and paramilitaries, the armed conflict in Colombia continues to intensify in scope and brutality.
- A recent delegation to Colombia heard reports that security for much of the civilian population has deteriorated, political space for legitimate dissent and the defense of basic human rights is being undermined, and dire human needs continue to go unaddressed, exacerbating an already severe humanitarian crisis.
- The delegation found that in Colombia a vibrant civil society is engaged in a search for peace. Despite the stalling of the national peace process, civil society continues to find ways to encourage peace and development, even in the midst of life-threatening conflict. Churches, non-governmental groups, and local and regional authorities are designing and implementing programs that offer alternatives to violence. Some are engaging in dialogues with local paramilitary and guerrilla forces to establish zones of peace that the armed actors agree to respect. These local and regional peace initiatives are laying the groundwork for confidence-building measures that could lead to broader initiatives for peace at the national level.
- There is much the United States could do to improve the chances of reconciliation in Colombia while at the same time more effectively pursuing its counter-narcotics and anti-terrorism agenda. It can, for example, support efforts to address basic human needs (such as access to food, water, clothing, shelter, and employment), provide alternate development options, and support effective demobilization programs. If due process and accountability are to prevail over armed conflict and personalized violence, re-establishing the rule of law and creating conditions that will increase confidence in the judicial system are also essential.

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Introduction

A delegation of U.S. human rights, religious, academic, and labor leaders visited Colombia in February 2003 to evaluate the effects of the internal armed conflict on Colombian

ABOUT THE INSTITUTE

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civil society and the consolidation of democratic institutions, to examine civil society initiatives that could contribute to the resolution of the conflict, and to explore ways that the international community might support peace efforts in Colombia. To this end, delegation members interviewed local, regional, and national governmental authorities; U.S. embassy officials; military authorities; members of the judicial branch (including eight members of the Constitutional Court and members of the Office of the Public Ombudsmen/Defensoria del Pueblo); educators, scholars, and administrators of schools and institutes of higher education; leaders of the Catholic and Protestant communities; labor union leaders; human rights organizations; and representatives of popular sectors and development organizations in the capital city of Bogota, as well as in Barrancabermeja, Popayan, and Sincelejo—the departmental capitals of Santander, Cauca, and Sucre, respectively. This report, based in part on those meetings, is intended to encourage discussion of the U.S. role in Colombia and to contribute to the formulation of a policy that will lead to a peaceful and sustainable resolution of the conflict there.

While American public attention has been focused elsewhere, U.S. engagement in Colombia has been steadily growing. With more than 2,000 personnel from 32 U.S. agencies, the embassy in Bogota recently surpassed that in Cairo as the largest U.S. embassy in the world. Colombia—a country the size of the states of California and Texas combined—is the largest recipient of U.S. foreign aid after Israel, Egypt, and now Iraq. From 1999 to 2002, the U.S. gave Colombia \$2.04 billion in aid. Eighty-three percent of that amount—or almost \$1.2 million per day over four years—was for Colombia's military and police, most of which went for the purchase of Black Hawk and Huey helicopters and Special Forces training for counter-narcotics missions in the guerrilla-held regions of southern Colombia. The omnibus foreign aid appropriation for fiscal year 2004 includes the final installment of the five-year U.S. aid package known as Plan Colombia. If approved by the Senate and signed by President Bush, U.S. aid to Colombia from the Andean Counterdrug Initiative and Foreign Military Financing is likely to surpass \$573 million, not including additional monies in the Defense Department's budget. Colombian authorities intend to request substantial increases in U.S. aid for 2006 and beyond.

The United States now has more troops and civilian contractors on the ground in Colombia than ever before. As of July 2003, 358 U.S. troops were in Colombia. This represents a three-fold increase from the 117 U.S. troops stationed in Colombia in November 2001, although it remains below the congressionally mandated cap of 400. Likewise, the number of U.S. private contractors in Colombia grew from 220 in November 2001 to 308 in July 2003 after Congress raised earlier limits on private U.S. military contractors from 300 to 400.

In addition to the steady increases in U.S. aid to Colombia, the nature of the U.S. role has been changing as well. U.S. aid to Colombia can now legally be used for counter-insurgency. Since January 2003, U.S. Special Forces have been training Colombian soldiers in counter-insurgency tactics in order to protect strategic infrastructure, including the 480-mile Cano-Limon oil pipeline in Arauca province, from guerrilla attacks. Two Colombian guerrilla groups—the Colombian Revolutionary Armed Forces (FARC) and the National Liberation Army (ELN)—and more recently, one paramilitary group—the United Self-Defense Forces of Colombia (AUC)—are on the U.S. State Department's list of foreign terrorist organizations. These three groups control large areas of Colombia's national territory.

The largest guerrilla group, the FARC, has some 18,000 members that dominate the sparsely populated southern and eastern parts of the country where coca cultivation has thrived. There, the nexus between illicit drug production and insurgency defies easy separation, especially since the FARC made a strategic decision to use coca "taxes" and other drug-related revenue to finance its dramatic expansion in the 1990s.

Another major guerrilla group, the ELN, has some 5,000 members and concentrates its efforts primarily in the oil-producing zones, where it attacks oil pipelines and extorts tributes from oil companies, wealthy sectors, and multinational companies. (Smaller

guerrilla groups include the Popular Liberation Army (EPL), with a few hundred members; and the Guevarist Revolutionary Army (ERG) and the Popular Revolutionary Army (ERP), with a few dozen militants each.)

In the wake of Congress's decision last year to lift restrictions on counter-insurgency training and to increase aid to Colombia, the FARC announced that it would consider U.S. government operatives to be legitimate military targets. Only days before our delegation arrived, a U.S. plane carrying an American and Colombian pilot crashed in the southern jungles of Caqueta in a zone heavily dominated by the FARC. The pilots were both killed, and the FARC captured the remaining three passengers—American contractors on a surveillance mission for the U.S. military's Southern Command (SOUTHCOM)—who continue to be held. Since 1998, at least 17 U.S. military, law enforcement and contract employees—including five in 2003 alone—have been killed in Colombia.

Despite the intensified U.S. involvement in Colombia's conflict, U.S. policymakers nonetheless remain divided in their evaluation of the goals, strategies, and effectiveness of current U.S. policy in Colombia. Human rights concerns have figured prominently in the congressional debates, and prompted Congress to develop the current legislation that conditions one-fourth of U.S. military aid to Colombia on certification of demonstrable progress by the Colombian government in protecting human rights, severing the ties between the Colombian military and the paramilitary groups, prosecuting human rights violators, and restoring human rights and government authority over areas controlled by paramilitaries or guerrillas. Policymakers remain divided over whether these conditions have been met, on the appropriate policy mechanisms for expressing U.S. human rights concerns, and on the best way to support democratic sectors within the Colombian government and military.

Civilian Population Increasingly at Risk

Peace in Colombia appears to be more elusive than ever. A peace process under way for three years under former President Andres Pastrana failed and, in 2002, a war-weary public ushered in President Alvaro Uribe with a mandate to address Colombia's grave security concerns. The prevailing belief of policymakers today appears to be that waging war is the best path to peace. Yet the delegation's investigation suggests that support for human rights, the rule of law, a political negotiation of the conflict, development efforts, and local peace initiatives may be more likely to lead to a sustainable peace.

Many of the Colombians with whom the delegation spoke began by noting that the situation in Colombia is "muy complicada" (very complicated). The Colombian conflict has been simmering for some five decades. Colombia ranks among the 10 top oil producers in the world, but despite tremendous wealth generated by vast mineral and agricultural resources, two-thirds of Colombia's population is living in poverty—with 11 million people in extreme poverty—and Colombia's distribution of wealth is among the most unequal in the world. Fed by both political and socio-economic inequities, today's violence is perpetrated by a variety of heavily armed actors that include guerrilla groups, paramilitary organizations, the public security forces of the state, organized crime rings and cartels, drug traffickers, and common criminals. These groups and individuals operate with relative impunity. In Colombia, 97 percent of the crimes committed go unpunished, and the judicial system is virtually paralyzed with a backlog of three million cases.

Colombia now produces about 90 percent of the world's cocaine as well as 70 percent of the heroin consumed in the United States. Recent figures from Colombia's comptroller general indicate that more than 40 percent of the most fertile lands in Colombia were acquired with drug money. Drug traffickers, furthermore, have displaced peasants and taken over their lands. This "reverse" agrarian reform has further consolidated the economic and political power of the drug lords and their many allies.

The delegation learned of the erosion of security guarantees for much of the Colom-

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bian population. According to the Colombian Commission of Jurists, political violence related to the conflict now claims the lives of some 19 civilians a day—up from 12 a day in 2000. Fifteen percent of deaths in Colombia are conflict-related, and over 4,000 non-combatants were killed for political reasons last year. Half of all the kidnappings in the world happen in Colombia, and only Chechnya is considered to be a more dangerous place for journalists. Furthermore, four of every five unionists killed in the world (up from three out of every five in 2000) are from Colombia.

Some areas do show improvements. According to Colombian government statistics, traffic has been restored to 65 percent of the highways. In the first five months of 2003, murders fell by 24 percent and kidnappings declined by 33 percent in comparison to the same period in 2002, when 1,233 abductions were reported. According to U.S. Congressman Jim Kolbe (R-AZ), statistics from the first eleven months of the Uribe administration show that the number of insurgents killed in action, captured, or deserting has increased while the numbers of terrorist attacks and murders have declined from the previous eleven-month period. Likewise, coca production in Colombia dropped 15 percent during 2002. Nonetheless, production still exceeds the level when Plan Colombia began in 2000 and this recent decline has been offset by increases in production in Bolivia and Peru. Nor has there been any drop in the quantity of cocaine entering U.S. markets.

Since Uribe took office last August pledging all-out military victory over the guerrilla forces, the latter have matched his resolve by intensifying their own violence—especially in the urban centers of the nation. On August 7, 2002, the day of Uribe's swearing-in, guerrillas launched an attack with mortars and explosives in Bogota that killed at least 19 bystanders at the inauguration. Since then, guerrillas have continued to carry out dramatic attacks in the capital city of Bogota and other urban centers, especially Medellin and Cali. The week before the delegation's arrival, on February 7, 2003, a bomb (widely attributed to the FARC) exploded at the exclusive Club Nogal in downtown Bogota, killing 36 and injuring 160 people. FARC attacks at two upscale bars in Bogota in November 2003 killed one person and injured 73, including four U.S. citizens.

Some middle- and upper-class residents of the capital with whom the delegation spoke expressed fear that the guerrillas were bringing the battle—which had previously been waged largely in the Colombian countryside—to the cities. The Colombian Federation of Municipalities reported that 560 of Colombia's 1,098 mayors were threatened as part of a FARC campaign launched last year against municipal authorities. Since June 2002, the FARC have killed 13 mayors and 70 town councilmen, forced the resignation of nearly 400 mayors, and caused hundreds of public employees to flee their posts or resign. In addition, some 30 candidates for local office were killed and a dozen others kidnapped in the campaign period leading up to the municipal elections in late October 2003.

In all of the regions visited, interviewees told the delegation that the paramilitary groups have also gained tremendous strength, especially in regions previously controlled by guerrilla forces. The largest of the paramilitary groups is the United Self-Defense Forces of Colombia (AUC). With between 10,000 and 15,000 armed and trained members, the AUC has a presence in at least 25 of the country's 32 departments. These paramilitary groups were initially created decades ago by rural landowners and the army to fight guerrilla insurgents and to discourage peasants from organizing. They are now illegal, but, as human rights organizations have repeatedly documented, they continue to engage with relative impunity in gross human rights violations and drug trafficking. According to sources cited in the *Washington Post*, the AUC controls at least 40 percent of the drug trade in Colombia and receives 80 percent of its funding from drug profits (Scott Wilson, "Colombian Fighters' Drug Trade is Detailed: Report Complicates Efforts to End War," *Washington Post*, June 26, 2003). The government security forces have shown themselves to be unable to control the excesses of the paramilitaries, and in some regions, have been complicit in human rights violations.

According to residents of the conflict-ridden Barrancabermeja region of Santander visited by the delegation, the paramilitaries have taken over there as the self-designated

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authorities. Strategically located in the center of Colombia, accessible to the Atlantic Ocean via the Magdalena River (Colombia's 965-mile equivalent of the Mississippi), and home to the country's largest oil refinery and significant copper and gold mining, the Middle Magdalena valley provides an easy drug-transit route to the different regions of the country. It also includes wide expanses of jungle and mountains, which are increasingly used for the planting of illegal crops. The birthplace and traditional stronghold of the ELN, which has advocated the nationalization of the Colombian petroleum sector, the Middle Magdalena region offers many opportunities for armed actors to profit from extortion, kidnappings, and participation in a thriving black market for stolen petroleum—all of which help to finance the war. Human Rights Watch and the Center for International Policy have amply documented a campaign in the early 1990s undertaken by right-wing paramilitary squads operating with the aid of Colombian Naval intelligence that targeted and killed over 130 union organizers, journalists, teachers, and human rights activists in this region. Now the AUC controls virtually all of the town centers and many rural areas in the region's 27 municipalities, and the human rights situation continues to be precarious. Disappearances, primarily attributed to the paramilitary forces, continue to occur with complete impunity in this and other regions. According to the Office of the Ombudsman (Defensoria del Pueblo), 3,255 people were reported missing in Colombia in 2002—an increase of 428 percent since 1999 (*El Colombiano*, July 1, 2003). Staff from the Office of the Ombudsman in Barrancabermeja told us they had documented 31 political killings and 16 new disappearances in the region in the first four months of 2003 alone. A massacre in Barrancabermeja on May 16, 1998 resulted in the disappearance of 27 people, the death of six others, and the killing of a key eyewitness two years later; no one has ever been prosecuted for these offenses.

A large state presence in this zone of conflict has failed to guarantee public order. Although five military battalions are located in Barrancabermeja, local residents pointed out that paramilitaries are able to move freely about the zone without fear of persecution. These paramilitaries are readily identified by the local population and participate in illegal activities, such as gas siphoning, in broad daylight. The delegation saw paramilitaries openly walking around with their cell phones and guns, and witnessed men stealing gasoline out of the pipeline that runs through Barrancabermeja. This gas is then sold to the local gas stations, where, residents told us, the community benefits from relatively cheap prices. While the loss in gas revenues in Barrancabermeja alone is estimated at \$100 million a year, such illegal activities go completely unchecked. One resident observed that Barrancabermeja is a locale where "the state is not autonomous, but is pressured by paramilitaries and must make concessions."

Leaders of peasant organizations told us that in the Middle Magdalena region, the paramilitaries set up extensive roadblocks and river checkpoints—often in clear view of military installations—where they rob peasants of the seeds and crops they bring to market, or demand "taxes" or bribes on building materials and other goods.

Paramilitary groups often take on the role of dictating and enforcing social norms and behaviors and meting out punishment when those norms are not followed. In Barrancabermeja, the delegation met with members of local human rights groups including the Popular Women's Organization (OFFP), the Regional Corporation for the Defense of Human Rights (CREDHOS), and the Association of Relatives of the Disappeared (ASFADDES). All of these groups and their families have been attacked and threatened by paramilitary organizations, yet local authorities are unable to offer them adequate protection or to control the paramilitaries. These groups are routinely accompanied by representatives of Peace Brigades International, which has had members from North America and Europe living and working in Colombia since 1994 to protect human rights workers and displaced communities.

In September 2002, the Uribe government established two Zones of Rehabilitation and Consolidation. These zones include 27 municipalities containing over 1 million people in the departments of Bolivar, Sucre, and Arauca and are meant to be models for implementing the government's rigorous security measures. The Colombian government and the U.S.

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embassy facilitated the delegation's entry into one of the zones that surround Sincelejo. While government and military authorities told the delegation of their successes in capturing guerrillas in these zones, they noted few actions against the paramilitaries, who, they said, had moved in the last three years from Antioquia and Cordoba into Sucre and Bolivar, where they are engaging in battles that have resulted in high civilian casualties and displacements.

The government's escalation of the war effort has resulted in violations by official armed forces, especially in these priority zones. In May 2003, Edgardo Jose Maya Vilazon, Colombia's Inspector General, issued a statement warning that these model zones had "failed in quantitative and qualitative terms," particularly in regard to human rights, and had exposed the civilian population to greater risks. *El Colombiano*, a Medellin-based newspaper, reported in August 2003 that crime has increased throughout the zones since they were established—by 21.6 percent in Sincelejo alone—and the Colombian Commission of Jurists has documented repeated mass detentions of civilians that violate international norms by military and police patrols in the Arauca department.

Lawyers with whom the delegation met criticized the government's emergency measures (promulgated by Decree 2002) that authorized the indiscriminate use of force, violations of due process, arbitrary detentions, violations of the right to freedom of movement, and raids where crimes were not in progress. The decree also gave security forces the power to arrest and tap telephones without warrants in some circumstances. While some of these measures were declared unconstitutional by Colombia's Constitutional Court in November 2002, the delegation heard reports that these practices had not necessarily ended.

The legal advisor for the UN High Commissioner for Human Rights (UNHCR), which established an office in Colombia in 1996, told the delegation that for the first time since the end of the peace process, her office had documented increased violations of human rights and international humanitarian laws on the part of the public officials. In the first year of Uribe's administration, the Jesuit Center for Popular Research and Education (CINEP) and the NGO Justice and Peace documented the killing of 49 activists and 792 other people, 160 forced disappearances, 144 cases of torture, 573 death threats, and the arbitrary detention of 2,546 individuals. The delegation heard reports as well that civil and military officials in Sincelejo and in the Middle Magdalena region were preventing the entry of international food aid and medical supplies into communities in those regions. Similar complaints still appear in the Colombian national media.

Unprecedented Humanitarian Crisis

The U.S. Department of State reported that more than 400,000 Colombians were displaced last year alone, as selective assassinations, massacres, armed confrontations, and, in some cases, fumigation of illicit coca and poppy fields, drove entire communities off their lands.

Colombia now produces more internally displaced persons than any nation except Sudan and possibly the Democratic Republic of Congo. The Colombian government's Social Solidarity Network, Red de Solidaridad Social, has registered one million internally displaced persons for the period from 1995 to March 2003. The non-governmental organization Consultancy for Human Rights and Displacement (CODHES) estimates that 2.9 million citizens were internally displaced between 1985 and 2003. Both sources cite an upward trend since 2000.

Violence now outranks economic factors as the major impetus for displacements of the civilian population. The U.S. Department of State reported that more than 400,000 Colombians were displaced last year alone, as selective assassinations, massacres, armed confrontations, and, in some cases, fumigation of illicit coca and poppy fields, drove entire communities off their lands. An additional 90,000 people were internally displaced in the first three months of 2003, according to the International Crisis Group. Minorities, including Afro-Colombian and indigenous communities, often live in rural areas rich with natural resources and they have been especially susceptible to violence and displacement.

The delegation visited one of Colombia's southwestern states, Cauca, which is home to the largest concentration of indigenous and Afro-Colombian populations in Colombia.

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Cauca is one of the poorest regions of the nation, with about 300,000 indigenous people (including Paez, Guambiano, Yanaco, Coconuco, and Embera Indians) organized into 115 autonomous governing bodies (*cabildos*), many of which belong to the Indigenous Regional Council of Cauca (CRIC). At a public meeting in Popayan, the capital of the department of Cauca, dozens of local residents and representatives of community organizations of the region told the delegation of the detrimental impact of aerial spraying of herbicides on the water supply, the forests, legal crops such as bananas and yucca, and pasturelands, as well as associated noxious health effects, including skin lesions and dizziness. Such problems had forced many of them out of their homes.

The delegation visited Cristo Viene, a displaced community in Sincelejo, the capital and largest city of the province of Sucre, located in one of the two Zones of Rehabilitation and Consolidation. Sincelejo's location in the middle of the strategically important Maria Mountains has made it a magnet for displaced people from the nearby mountain neighborhoods. Of 250,000 people in the Sincelejo area, some 70,000 came from 40 neighborhoods displaced by the violence.

Some of the churches and international organizations, such as the World Food Program (PMA), have been trying to set up schools for these displaced communities. Justapaz, the peace and justice agency of the Colombian Mennonite Church, runs a school supported by Mennonite, Catholic, and Methodist churches in the Cristo Viene neighborhood of Sincelejo. The school provides counseling as well as education for 575 children, many of whom have been traumatized by the violence they have witnessed. Nonetheless, the school ran out of money to pay the teachers in 2002. The delegation talked to one teacher who had already stayed on for a year without pay, but could no longer afford to do so. Justapaz personnel estimate the school costs \$35,000 per year to run.

Delegation members learned that politicians sometimes buy the land where those displaced by the violence settle in exchange for the latter's votes, but fail to provide basic services to the displaced population. The usual recourse in democratic societies—voting the local officials out of office—is not a feasible strategy since votes are counted by neighborhood, and non-compliance of community members would risk the community's expulsion from the land.

Displaced communities usually have no access to electricity, drinking water, sewers, health care, jobs, or public schools. Hunger is rampant, making these communities particularly fertile grounds for paramilitary and guerrilla recruitment efforts. Young people in the Cristo Viene community told the delegation that many of their friends are "going down a bad path." The choices are stark, they said: starvation at home versus the promise of daily meals and a salary for those who join the guerrillas or the paramilitaries. As one of the church workers there noted, "The armed groups come to these communities and it's easy pickings."

Disenchanted and poor youths are a particularly vulnerable sector of Colombian society. A report issued in September 2003 by Human Rights Watch, *"You'll Learn Not to Cry": Child Combatants in Colombia* (New York, NY), estimated the total number of child combatants in Colombia at more than 11,000. To deal effectively with the armed conflict—and to dry up the ability of illegal armed groups to get new recruits—the needs of Colombia's youth, particularly those who have been displaced, must be adequately addressed.

Security Policies, Human Rights, and Democracy

The delegation heard repeated concerns that security measures were taking their toll on democratic practices and institutions. Modifications and proposed modifications to the constitution to allow for the suspension of rights, as well as other legal reforms, were cited as particular concerns. Upon his inauguration, President Uribe instituted a "state of internal commotion" to address the increasing violence. Under the constitution, such "states of exception," which allow for the legal suspension of civil liberties, are ordinar-

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ily limited to nine months, but lawyers told the delegation that they were concerned about initiatives to modify the constitution to extend this exceptional state once again. (Since 1958, Colombia has been under a state of exception about 75 percent of the time.) Colombian lawyers were also concerned about the potential impact on human rights guarantees of proposed legislative initiatives that would limit the jurisdiction of the Constitutional Court to prevent it from ruling on a range of rights issues.

Legal reforms under the Uribe government have criminalized a range of activities—including freedom of assembly, the right to strike, and collective bargaining—that are vital to the workings of democratic societies. Legitimate labor organizing activities can now be legally investigated and charges brought against participants and organizers of work stoppages, demonstrations, or strikes when they are considered to interrupt public service. Labor lawyers told the delegation that under Uribe's plan of "democratic security," many of the union offices have been raided, leaders' residences searched, and unionists threatened and shot at. Lawyers who defend political detainees are also subject to persecution.

Since 1991, more than 1,800 labor leaders have been killed in Colombia. According to the Central Unitaria de Trabajadores (Colombia's main federation of trade unions), nearly 200 unionists were killed in 2002, nearly 20 suffered assaults, and more than 30 were kidnapped or disappeared. Those most affected include teachers, health workers, and peasant farmers, as well as members of the petroleum and food workers' unions. In the first half of 2003, more than 38 labor leaders were killed. Most of the violent attacks against unions have been attributed to paramilitary groups. At the conference at the USIP in April, Eric Olson, advocacy director for the Americas for Amnesty International and a member of the WOLA delegation to Colombia, noted that paramilitaries continued to commit numerous politically motivated killings, particularly of labor leaders, and often kidnap and torture suspected guerrilla sympathizers prior to executing them.

In Barrancabermeja, the delegation met with Hernando Hernandez at the headquarters of the Union Sindical Obrera (USO), the petroleum workers' union, where Hernandez was under house arrest. Formed in the early decades of the 20th century, the USO is Colombia's oldest union, and it has steadfastly resisted efforts to privatize ECOPETROL, the state oil company that now produces about 75 percent of Colombia's fuel. The USO leadership and rank-and-file, as well as their lawyers and family members, have suffered attacks by both government and paramilitary forces, the latter often in coordination with the security forces. Labor leaders told the delegation that Colombian government officials are increasingly pursuing legal strategies that attempt to link dissidents to terrorist organizations.

The Office of the Attorney General issued 189 accusations of rebellion in the first four months of 2003—bringing the total to 1,713 cases—the highest number since the office began to handle such cases three years ago (*Foreign Broadcast Information Service*, June 8, 2003). Some attribute the increase in lawsuits to misleading information from demobilized guerrillas (1,500 of whom have demobilized since Uribe came into office) and greater collaboration with the government motivated by its recent program offering monetary rewards for information. These legal initiatives have targeted labor leaders and public officials, as well as other well-known advocates of non-violence such as Bishop Jose Luis Sema, one of Colombia's best-known peace mediators. In October 2003, the Colombian Commission of Jurists denounced massive detentions carried out in the Arauca region during the week preceding municipal elections. These detentions included numerous opposition candidates.

Leading government officials, including President Uribe himself, have publicly disparaged and implicitly or explicitly linked human rights defenders and government critics to "subversion" or "terrorism." Since the delegation returned from Colombia, relations between the Uribe government and human rights NGOs have become increasingly tense. In September 2003, a coalition of some 80 Colombian human rights organizations released a report, *The Authoritarian Spell: The First Year of Government of Alvaro Uribe Velez*, that was

highly critical of Uribe's "democratic security" policy. President Uribe responded before a military audience that unnamed human rights organizations were putting themselves at the service of terrorists.

Judicial Institutions and Human Rights Lawyers at Risk

A new constitution adopted in 1991 established a Constitutional Court to balance what had been described as a "hyper-presidential" system. The court has played an important role in helping to assure that Colombian domestic laws reinforce internationally accepted human rights standards, and it has had some success in putting the brakes on potential excesses, ruling in May 2003, for example, that the provision in the Criminal Procedures Code that allowed for the surveillance of "suspicious" activities was illegal in the absence of evidence.

The United States has supported the creation of local ombudsmen, public defenders, an early warning system to protect the civilian population from imminent threats, witness protection programs, and bodyguards for threatened judicial magistrates and human rights and labor leaders. These measures are critically important to establishing the rule of law in Colombia.

Yet magistrates and public defenders alike told the delegation that they and their institutions are increasingly under attack, not only by armed militants who threaten the lives of judicial authorities and their families, but also by government budget cuts (especially the reductions in the budgets of the human rights ombudsmen and of the human rights unit inside the Attorney General's Office), lack of funding and staff, laborious new bureaucratic procedures that undermine the effectiveness of the early warning system, and administrative transfers or discrediting of public officials who take on cases that might challenge the impunity of armed militants. Government officials, including the then Justice and Interior Minister Fernando Londoño, have accused the court of usurping executive authority and "excessive judicial activism." On July 20, 2003, a bill was presented in Congress to curtail the authority of the Constitutional Court, reduce the scope of permissible petitions for protection (*tutela*), eliminate the High Council of the Judiciary, and decrease the autonomy of the judicial branch.

Political Space for Legitimate Dissent Shrinking

Opening legal cases against prominent leaders of civil society, establishing and renewing states of exception, placing regions of the country under military control, and creating a paid informants' network have challenged the ability of Colombians to express criticism of official government policy or to advocate for alternatives.

In violation of international humanitarian law, which differentiates between combatants and non-combatants, establishes the rights of civilians to remain neutral, and requires governments to safeguard civilian populations, some of Uribe's national security policies are encouraging greater involvement of the civilian population in the armed conflict. Representatives of the Protestant churches in Colombia told the delegation that in a country noted for corruption, vendettas, long-time conflict, and tremendous economic need, Uribe's programs to procure one million informants and to establish a force of 15,000 soldier-peasants are likely to aggravate the conflict and further undermine prospects for dialogue.

Throughout the country, individuals and groups—ranging from the magistrates who sit on Colombia's Constitutional Court to peasant communities—expressed concern that the space for debate on drugs, corruption, human rights, and economic and security policies is shrinking. A law professor at the private, Jesuit-run Javeriana University eloquently described the isolation that many faculty and students are feeling within Colombian universities, where the space for intellectual freedom is becoming more and more restricted. "The central problems of Colombia cannot be debated in Colombia," he told the delegation in February. "Since the theme of security is defined within a context

Some of Uribe's national security policies are encouraging greater involvement of the civilian population in the armed conflict.

of terrorism, those who would seek political solutions are seen as complicit with terrorism," . . . and "those who critique the coca eradication practices are seen as complicit with the drug traffickers," he observed.

The narrowing of this political space is not solely due to the government's security measures, but also responds to the growing violence itself. A political scientist at the University of the Andes told members of the delegation that the nearby Club Nugal bombing reconfigured the political landscape of the city of Bogota. She observed that it was increasingly difficult to get people to attend public events or discussions, as they avoid public transportation and public spaces. Furthermore, she noted, talk of "human rights" has become increasingly risky. Human Rights Watch and others have documented dozens of attacks by army-linked paramilitaries on students and faculty at Colombian universities and on researchers from the Jesuit-run institute, CINEP.

Catholics and Protestants alike emphasized the links between human rights and security. Bishop Hector Fabio Henao, head of social ministry programs for the Catholic church, cautioned the delegation that to advance peace and security without linking them to democracy and human rights would be a mistake. Monsignor Jaime Prieto Amaya, the Bishop of Barrancabermeja, underscored the need to address the difficult problem of distributive justice, including "the agrarian problem of land distribution and access to power and justice," before peace and reconciliation could be achieved in Colombia.

Religious leaders expressed concern that the Uribe government increasingly views those who promote dialogue with armed actors as terrorists themselves. One leader of the Presbyterian Church in Colombia told the delegation, "We need support for building and reconstructing peace from the ground up, almost in secret." Another Protestant leader observed, "It is dangerous for the government to say that those who talk to people from armed groups are taking the side of those groups. As a church, we are obliged to search for peace with any group interested in doing so. We talk with the FARC, the ELN, the paramilitaries, and the government, and we will continue to do so." Such conversations are essential stepping-stones toward future dialogue and may be important elements for the reconstruction of the social fabric in the conflict's aftermath.

Four months after our visit, Colombia's Attorney General charged Catholic Bishop Jose Luis Serna with rebellion and opened an investigation against him for collaboration with the guerrillas. A former peace commissioner under President Belisario Betancur and the chief negotiator of a region-wide peace accord and cease-fire between the Paez Indians in the southern part of Tolima province and the FARC—a ceasefire that has lasted for six years and been verified by the International Committee of the Red Cross—Serna is credited with obtaining the release of 54 hostages, including 15 police officers (Scott Wilson, "Bishop Faces Anti-Rebel Probe: Colombian Who Helped Free Kidnap Victims is Now Government Target," *Washington Post*, July 16, 2003).

Religious leaders and laypeople who publicly discuss the conflict, promote dialogue, or who denounce human rights abuses or corruption face retribution, primarily from guerrilla and paramilitary forces. According to the Human Rights Watch *World Report 2003*, more church leaders (one archbishop, one nun, 11 priests, and 18 Protestant pastors) were killed in the first 11 months of 2002 than in any other 11-month period in the country's recent history. Many if not most Protestants were killed by the FARC. The Protestant evangelical churches documented the additional assassination of more than two dozen pastors and church leaders in the first six months of 2003. According to the U.S. State Department report of December 18, 2003, "Illegal armed groups, especially the FARC, threatened or attacked religious officials for opposing the recruitment of minors, promoting human rights, assisting internally displaced persons, and discouraging coca cultivation."

Religious groups in the United States have responded to the concerns of their counterparts in Colombia, noted Father Charles Currie, president of the Association of Jesuit Colleges and Universities, at the April conference at the Institute. The U.S. Catholic Conference of Bishops (USCC) has called for the United States to seek a genuine balance

Religious leaders expressed concern that the Uribe government increasingly views those who promote dialogue with armed actors as terrorists themselves.

between assisting security forces and providing aid that more directly addresses the root causes of the conflict. Protestant groups in the United States have also passed strong resolutions on Colombia. These U.S. groups have all focused primarily on the situation of the displaced, the humanitarian crisis, peace-building, and responding to attacks on the churches in Colombia.

Communities Explore Peace and Development Alternatives

Churches, non-governmental groups, and local and regional authorities have taken the lead in designing and implementing comprehensive development programs that offer alternatives to violence and address the root causes of poverty and injustice at the local level. Despite security risks, economic difficulties, and, in some cases, government indifference or hostility, local development programs are offering new paths to peace based on a broader conceptualization of human security in which basic human needs are an integral part. "They are undertaking these measures because the Colombian government either will not, does not, or cannot do it," Congressman James McGovern asserted at the April briefing at the Institute. "The Colombian government basically told our delegation that if we—meaning Congress—want to see development in Colombia, then it is our responsibility and the responsibility of the international community to fund it."

The delegation visited communities organizing to build schools, feed children, provide employment, and create a variety of economic alternatives to illegal drug crops. Many of these efforts are funded by the Europeans, the United Nations, Asia, and in some cases, by the U.S. Agency for International Development (USAID). In December 2002, public and private groups including the United Nations Development Program (UNDP) announced the creation of Redprodepaz, a network of 15 autonomous development and peace programs with a presence in 28 provinces and more than 300 municipalities. At the conference at the Institute, Kimberly Stanton, Director of Studies at WOLA, described these programs and observed that they all share an integrated approach to sustainable development, with attention to human rights and culture as well as economic development alternatives. Furthermore, they are all highly participatory and multi-sectoral, and they involve the private sector, universities, public institutions, and non-governmental organizations. Each of the Redprodepaz projects seeks to organize and strengthen the capacity of civilian institutions and organizations to address basic needs for food, water, education, health, housing, or infrastructure. Likewise, these initiatives all confront tremendous obstacles, as they have been developed in conflict zones where development workers and their families face threats of kidnapping, arrest, and assassination.

The Middle Magdalena Program for Peace and Development (PPDMM), directed by Father Francisco de Roux, was founded in 1995 by the Diocese of Barrancabermeja and the Center for Research and Popular Education (CINEP), a Jesuit research center, with initial funding from the state petroleum company, ECOPETROL. In a zone where paramilitaries and guerrillas are active and some 2,000 people have been killed since the program began, the PPDMM supports more than 90 development projects and conflict resolution initiatives that strengthen civil society in 29 municipalities. In six years of existence, four members of the PPDMM have been kidnapped—two of them Jesuits—and nine PPDMM members have been killed by paramilitaries.

The delegation visited two PPDMM projects—Merquemos Juntas and the Ciudadela Educativa. Located in Barrancabermeja, a town of some 300,000 people, more than 80 percent of whom were displaced from other parts and live in impoverished squatters' settlements, these projects are examples of communal efforts to build up society in the midst of conflict. Merquemos Juntas was started by impoverished women who came together to establish a cooperative for buying and preparing food. Their collaboration soon yielded a community kitchen and expanded to provide collective and cooperative marketing programs, revolving credit funds, and savings and loan programs. The

Despite security risks, economic difficulties, and, in some cases, government indifference or hostility, local development programs are offering new paths to peace based on a broader conceptualization of human security in which basic human needs are an integral part.

Ciudadela Educativa is a community center and school that, in addition to providing basic education for both teachers and students, offers other programs that support agricultural training, community gardening ventures, and experiments in producing organic fertilizers. It also instructs participants in irrigation and marketing techniques and sponsors a program for social coexistence. Backed by the state, the Ciudadela Educativa is still tremendously understaffed with some 93 teachers for 17,500 inhabitants.

In Cauca, the delegation learned of a detailed proposal for integrated, regional development by the governors of the southern states of Tolima, Cauca, Narino, Huila, Caqueta, and Putumayo. The regional plan proposes alternatives to the current fumigation policies of the central government, including the development of small micro-enterprises based on traditional indigenous and Afro-Colombian agricultural practices and the cultivation of legal crops such as coffee, beans, sugar cane, small bananas, and cacao. It also offers proposals for a negotiated settlement to the conflict.

The delegation spent one day in Popayan, the colonial capital of the department of Cauca, with Governor Floro Tunubala and his cabinet, all of whom have been declared targets of the paramilitaries and guerrillas alike. Governor Tunubala was elected in October 2000 as the first indigenous governor of the department of Cauca and inherited a debt of approximately \$20 million accumulated by previous governors. This is a zone that is 65 percent rural and 35 percent "urban" (mainly villages of farmers). Some 80 percent of the economic activity in some municipalities of the department of Cauca is related to the production of illicit crops.

The governor's plan, informed by local initiatives such as the "plan for life" of the Indigenous Regional Council of Cauca (CRIC), appears to have widespread local support from a population weary of the tremendous insecurity, corruption, and violence that have accompanied the spraying of illicit crops as well as the displacements generated by both the violence and aerial fumigation. The central government has not embraced this regional initiative, however. At least three of the governors who rejected the central government's fumigation strategies in favor of developing alternatives have come under investigation by the inspector general for their dissent.

Historic tensions between Colombia's regional governments and the central government in Bogota have often made it difficult for regions to get funding for their development needs. When the delegation visited one of the Zones of Rehabilitation and Consolidation in February, it met with Adalgisa Lopez, the mayor of Corozal (Morra) in the department of Sucre. At the time, she was the only one of the eight mayors in her department who continued to live in her district, albeit under armed guard. Mayor Lopez told the delegation that a study she had commissioned of the region she governs—during which many of her researchers were kidnapped—concluded that 83 percent of the inhabitants of the department of Bolivar and 87 percent of those living in the department of Sucre lack basic human needs. Her study documented rates of unemployment in these urban zones that ranged between 58 and 90 percent. Although her district of Morroa lies in one of the government's two priority Rehabilitation and Consolidation Zones for "democratic security," President Uribe told the mayor that there was simply no money available for the development plan she had submitted to Bogota.

In every region the delegation visited, unarmed communities are engaging in dialogues with local paramilitary and guerrilla forces in an effort to decrease the levels of violence that threaten their communities.

Unarmed Communities Offer Fragile Hope

In every region the delegation visited, unarmed communities are engaging in dialogues with local paramilitary and guerrilla forces in an effort to decrease the levels of violence that threaten their communities. They are seeking to establish and protect what are known as peace communities, peace laboratories, zones of peace, no-conflict zones, or territories of non-violence or peace, and they are demanding some level of accountability from the armed actors and the official armed forces that occupy their regions. Such courageous acts may, over time, become the basis of confidence-building measures that could lead to region-wide or even country-wide cease-fires or negotiations.

Because of FARC road blockades that had been set up between Cali and Popayan, the delegation was unable to enter the area of La Maria, an indigenous reservation (*resguardo*), designated as a territory of peaceful co-existence (Territorio de Paz y de Convivencia) in Cauca. Nonetheless, Henry Caballeros, the governor's coordinator of peace efforts in the Cauca region, described the origins of the peace zone of La Maria, established in 1999-2000. Originally, he told the delegation, seven young people in the indigenous community left to join the guerrillas. Their distraught parents pursued the latter until their children agreed to return home. Once back, however, the young people threatened to join the guerrillas again unless the community could address the lack of jobs, education, and health care. The community responded by initiating a series of community dialogues that led in turn to negotiations with each of the armed groups (paramilitary groups are also active in the zone) and resulted in agreements by each group not to enter a zone that the community designated as a "peace laboratory."

Similar negotiations have taken place on a local level throughout Colombia. The Ciudadela Educativa that the delegation visited was the result of extensive negotiations involving church and government authorities, the community, and the guerrillas who used to dominate the impoverished zone in the province of Santander. In 1996-97, an electrification plant, a subsidiary of Westinghouse, moved to Barrancabermeja from Medellin. After multiple confrontations with guerrillas, the company proposed to bolster its security budget dramatically and build a bunker to shield its facility. Following the intervention of local church leaders, however, the company was persuaded instead to invest the money it would have spent on security on social investment; the community in turn promised to negotiate with the guerrillas and guarantee the protection of the company. The latter then agreed to build a community center, a commission was set up to guarantee the accord, and work on the community center began.

In 1998, some two years later, Minister of Defense Gilberto Echeverri announced that the Colombian military would build a barracks in the community. Again, worried that they would be caught in the crossfire of military and guerrilla violence, community leaders intervened and Echeverri was persuaded to turn over the Army lands for a "peace laboratory" where the Ciudadela Educativa school complex would be built. The area is now controlled by paramilitaries, but the parents are hopeful that the school can provide their children with an alternative to joining either the guerrilla or paramilitary groups operating in the zone.

Some of the delegation members met with the rector and faculty at the Universidad de Paz, a public university based in Barrancabermeja. The rector described the university's plan to institute a human rights chair, to invite speakers on human rights issues, to help train students to be human rights investigators, and to formalize a human rights curriculum. In this school of 1,600 students, faculty members hope to have some 50 students studying on a human rights track. The rector believes that Unipaz serves as a regional model that links education to the needs of the community and seeks to create a culture of responsible citizens. He noted that virtually all of the students who graduate from Unipaz stay in the region and provide leadership to improve the community. He believes that education offers alternatives to a continuation of the violence. "For every student who enters the university," the rector told delegation members, "that is one more who we snatch from the war."

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Governmental and Civil Society Peace Initiatives

Over the years, Colombian governments have alternately—and sometimes simultaneously—sought to eliminate the guerrillas and to negotiate with them. Neither tactic has secured a lasting peace. Peace negotiations began 20 years ago in Colombia and continued intermittently and with varying degrees of success until February 2002, when the most recent talks between the FARC and the government of Colombia collapsed. In the 1980s, many members of the Movement of April 19th (M-19), a group that emerged to contest electoral fraud, some of the FARC, most of the EPL, and a small group of the ELN

In many cases, however, the state was unable to provide security guarantees for those who demobilized, and these intermittent efforts at legal participation in civic life were repeatedly repressed.

participated in peace negotiations with the Colombian government. In 1984, the M-19, EPL and FARC signed cease-fire agreements. The ELN, which did not sign the cease-fire accord, formed A Luchar, a political movement, though not an electoral one. The FARC, still organized as a guerrilla group, founded the Patriotic Union Party (UP) in 1985, and presented candidates that included FARC guerrillas, Communist Party members, and others, winning 13 congressional seats in the 1986 elections. The guerrillas who became congressmen, such as Brulio Herrera and Ivan Marquez, were not demobilized; they simply entered politics during the cease-fire and returned to the mountains afterwards. In 1990, the M-19 demobilized, as did almost all of the EPL, who joined with the M-19 in the Constituent Assembly that produced the 1991 Constitution. The 1991 Constitution created new political opportunities for non-traditional parties and established important democratic institutions such as the Constitutional Court. Smaller groups—Quintin Lame, organized by indigenous guerrillas in the department of Cauca, and the Revolutionary Workers Party (PRT)—put down their arms in 1990 and 1991 as a result of peace negotiations and also participated in the Constituent Assembly. In 1994, the Socialist Renewal Movement (CRS—a faction of the ELN) also set down its arms.

In many cases, however, the state was unable to provide security guarantees for those who demobilized, and these intermittent efforts at legal participation in civic life were repeatedly repressed by military and paramilitary attacks (as well as retribution from former guerrilla comrades) that decapitated the party leadership, killed thousands of party members and candidates, and sent thousands more into exile. The UP was especially hard hit. UP presidential candidate Jaime Pardoleal was killed in 1986, as were more than 150 elected UP officials and an estimated 3,000 UP members. Similar tragic outcomes have been documented for the other parties that have sought participation in the legal political structures. M-19 and EPL representatives who laid down their arms were likewise targeted. The delegation spoke with one of the ex-combatants of the EPL who disarmed under a peace agreement signed with the government on March 1, 1991. Of the 2,000 combatants who agreed to disarm at that time, she told us, 1,500 were killed and many of the remainder fled the country. Many former EPL combatants were killed by the EPL faction that chose not to demobilize, and many demobilized EPL members joined the paramilitaries. The EPL ex-combatant with whom the delegation spoke noted that “many who were reintegrated into society have now become displaced, and are turning back to arms for a lack of security.” She noted that the social conditions are the same, but the violence has gotten worse and the zones where the guerrillas operated before now have other armed actors. “When we laid down our arms, the paramilitaries grew,” she observed. Addressing security concerns continues to be key to creating conditions under which the guerrillas would agree to demobilize.

In the 1990s, civic groups grew increasingly active in searching for paths to peace. Redepaz and UNICEF launched a Children’s Movement for Peace, which gained more than 100,000 active members who organized and promoted the Children’s Mandate for Peace and Rights, in which more than 2.7 million children and adolescents throughout Colombia cast votes at the polls on October 25, 1996 in favor of peace. The following year, a broad coalition of NGO peace groups under the leadership of the Redepaz network spearheaded an electoral campaign in which 10 million Colombians cast symbolic votes in favor of a negotiated settlement to the war. The President of the Colombian Episcopal Conference established a National Conciliation Commission that included important civic and religious leaders and in 1997, created the Permanent Civilian Assembly for Peace. In 1998, civic groups met repeatedly with the ELN and held extra-official peace talks that laid the groundwork for subsequent short-lived talks with the government.

In June 1998, Andres Pastrana was elected president on a platform for peace and he launched a three-year effort to reach a peace agreement with the FARC. In the context of questionable motives and expanding violence on the part of all of the actors, poor management on the part of the government, and increasing U.S. involvement in the war, those talks collapsed in February 2002, leaving frustration and disillusionment in their wake.

While there has been a longstanding official policy of dialogue with insurgent groups during the past six administrations in Colombia, peace negotiations with the guerrillas have not been a priority for the Uribe administration. The government has sought, however, to obtain prisoner exchanges with the FARC in relation to the Humanitarian Accord and attempted early on to negotiate with the ELN in Cuba—an effort that came to naught. Nor has the Uribe government sought to bring the broader public or representatives of civil society groups such as the National Conciliation Commission, Redepaz, or the Permanent Civilian Assembly for Peace into a national process of dialogue and negotiation. Vice-President Francisco Santos made clear to the delegation that the government is seeking to defeat the guerrillas militarily or at least force them back to the negotiating table under weaker conditions.

Last year, the Uribe government, with U.S. support, undertook a high-risk initiative to bring the paramilitary AUC to the negotiating table. In July 2003, after seven months of confidential discussions between the government and the AUC, facilitated by Catholic church authorities, Uribe's peace commissioner Luis Carlos Restrepo released a preliminary report that announced that the AUC had agreed to demobilize 13,000 troops by 2005. U.S. officials offered to provide incentives in the form of training, education, land, and other initiatives worth up to \$5 million to those paramilitaries who agree to demobilize. In the face of the agreement between the government and the AUC, the FARC and the ELN have formed an alliance and refused to negotiate with the government.

The agreement between the government of Colombia and the AUC is a positive sign of Uribe's effort to assert state control over regions that have become dominated by these paramilitary groups. As one U.S. embassy official told the delegation, such agreements may remove some of the playing pieces from the board. There is considerable skepticism about the accord, however, given that the agreement is between historic allies and not a dialogue between warring parties, and there remain many questions and reservations about the process. First, an estimated 50 percent of the paramilitary forces in Colombia are refusing to participate in the talks. There is dissent within the AUC, which is a federation of at least seven groups, sometimes with different agendas. Furthermore, numerous paramilitary leaders and groups both within and outside of the AUC have refused to join the discussions, others have withdrawn from the process, and paramilitary abuses continue to occur. Secondly, some sectors that finance the paramilitaries—including small mining companies, merchants, and ranchers—oppose the demobilization as long as the guerrillas remain active. Some AUC leaders argue that demobilization of their forces is inappropriate unless an end to the war is concurrently being negotiated. Third, according to a confidential report cited by the *Washington Post* (June 26, 2003), some high-level Colombian military officers continue to oppose severing ties with the paramilitaries who they still consider to be their allies in the counter-insurgency war. Fourth, important details such as the mechanism for international verification and the questions of clarification and punishment for paramilitary crimes have yet to be worked out. In the latter regard, Peace Commissioner Restrepo noted that the Colombian Congress may approve an amnesty for the rank and file of those who demobilize. Top leaders and regional commanders, he assured, will almost certainly not serve jail time, although they may face some legal proceeding. Fifth, there are widespread concerns that paramilitary leaders will exploit "peace talks" to protect their drug-trafficking profits and illegally acquired goods and lands, and to secure their own impunity. A recent International Crisis Group report, *Colombia: Negotiating with the Paramilitaries* (Bogota and Brussels), cautions that the agreement may help the paramilitaries to clean up their image and to legitimate their wealth and social position.

International Efforts Toward Peace

Until the administration of Colombian president Andres Pastrana, the peace process in Colombia was seen widely as a national phenomenon that could and should be solved by Colombians. Pastrana actively sought and received support from the international

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For more information on this topic, see our web site (www.usip.org), which has an online edition of this report containing links to related sites, as well as additional information on the subject.

President Uribe has not reached out to the international community to support a political resolution of the conflict. Convinced that a vigorous military offensive with the participation of foreign forces is needed to defeat the guerrillas once and for all, Uribe has instead called on the international community for equipment, technology, intelligence, and funding for the war.

community (especially the United States, the European Union, and the United Nations) for Colombia's internal peace process, and opened the way toward a considerably expanded role for the international community. Under Pastrana, peace talks with the FARC and the ELN each had groups of countries from Europe and the Western Hemisphere, respectively, that acted to facilitate negotiations, and the United Nations named a special representative to the peace process. Furthermore, a Liaison Committee, representing a broad coalition of civil society, including Redepaz and the Permanent Peace Assembly, organized to pressure the government and the guerrillas to negotiate. In 2000, these groups convened a meeting in Costa Rica with the involvement of the international community to support the peace process.

President Uribe has not reached out to civil society or to the international community to support a political resolution of the conflict. Convinced that a vigorous military offensive with the participation of foreign forces is needed to defeat the guerrillas once and for all, Uribe has instead called on the international community for equipment, technology, intelligence, and funding for the war. So far, the United States, Great Britain, and Spain have been Uribe's strongest allies. Nonetheless, in July 2003, representatives of the governments of Argentina, Brazil, Canada, Chile, Japan, Mexico, Norway, Switzerland, and the United States, and representatives of the European Union, the Inter-American Development Bank, the International Monetary Fund, and the World Bank met in London and announced their willingness to assist the Colombian government and the United Nations in finding a peaceful resolution to the conflict.

The United Nations, which played a key role in negotiations between the government and the guerrillas under Pastrana, has been trying to open channels of communication with the guerrillas and work towards creating a context for successful talks down the road. While the United Nations has thus far refused to participate in the talks between the government and the AUC, it has not discounted a future role in negotiations that might include guerrilla groups. FARC leaders have indicated their desire to open talks with the United Nations and the government of Brazil has agreed to facilitate such communications.



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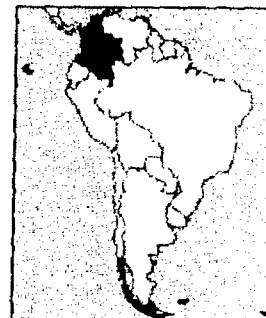
Covering events from January - December 2002

REPUBLIC OF COLOMBIA

Head of state and government: Álvaro Uribe Vélez (replaced Andrés Pastrana in August)

Death penalty: abolitionist for all crimes

International Criminal Court: ratified



Peace talks initiated in 1999 between the government and the main armed opposition group, the *Fuerzas Armadas Revolucionarias de Colombia* (FARC), Revolutionary Armed Forces of Colombia, collapsed on 20 February. Attempts to initiate negotiations between the government and the *Ejército de Liberación Nacional* (ELN), National Liberation Army, had stalled by the end of the year.

The armed conflict between the security forces, acting in conjunction with paramilitary groups, and guerrilla groups, intensified following the break-down of peace talks with the FARC. This resulted in a marked deterioration in the human rights situation. More than 500 people "disappeared" and more than 4,000 civilians were killed for political motives. Forced internal displacement continued to grow dramatically. Over 2,700 people were kidnapped, at least 1,500 of whom were kidnapped by guerrilla groups and paramilitary forces. This cycle of political violence was exacerbated by the security policies of the new government of Álvaro Uribe Vélez which took office in August. The main victims of violations of human rights and international humanitarian law continued to be the civilian population, including the internally displaced, peasant farmers, and members of Afro-Colombian and indigenous communities living in conflict zones. Colombia's largest paramilitary group, the *Autodefensas Unidas de Colombia* (AUC), United Self-Defence Groups of Colombia, declared a unilateral cease-fire on 1 December and in the same month the government announced its intention to initiate negotiations with army-backed paramilitaries. There was concern that government measures to facilitate negotiations with illegal combatant groups and government legislative initiatives might result in impunity for members of the paramilitary groups, the armed forces or the guerrillas responsible for war crimes, crimes against humanity and other crimes under international law.

State of emergency and security legislation

On 11 April, the Constitutional Court ruled that the Defence and National Security Law, which accorded judicial police powers to the armed forces, was unconstitutional. The new government of Álvaro Uribe declared a state of emergency on 11 August. This was followed on 9 September by Decree 2002 which again granted judicial police powers to the armed forces. Decree 2002 also gave the military special powers and restricted certain rights in designated security zones called Rehabilitation and Consolidation Zones. Foreigners wishing to enter these zones were required to seek prior authorization or risk expulsion from the country. Several foreign human rights workers were deported from Colombia prior to and following the creation of the Rehabilitation and Consolidation Zones.

On 25 November, the Constitutional Court declared that parts of Decree 2002 were unconstitutional, notably those parts granting judicial police powers to the military. The government stated that it wished to make permanent some of the provisions contained in the state of emergency and Decree 2002. The government announced it would submit legislative proposals to Congress in 2003 to grant judicial police powers to the security forces after proposed reforms enabling the Attorney General to grant such powers to the security forces were blocked in Congress in December.

The authorities announced the creation of a million-strong network of

Further information

[Report 2003: Spiralling political violence in Colombia](#)

[Report 2003: AI in action - Colombia](#)

[Colombia: Human Rights and US Military Aid to Colombia III](#) (AI Index: AMR 23/030/2002), published jointly by Amnesty International, Human Rights Watch and the Washington Office on Latin America

[Colombia: Open letter to the President of the Republic of Colombia, Dr Álvaro Uribe Vélez](#) (AI Index: AMR 23/084/2002)

civilian informers, who are expected to assist the security forces in their counter-insurgency strategy, and began recruiting "peasant soldiers", who will live within their own communities. There were concerns that this would drag the civilian population further into the conflict and strengthen paramilitarism.

The government also suggested that it would reform the 1991 Constitution, in particular some of its important human rights mechanisms and safeguards.

Impunity

There were reports that the Attorney General's Office was seeking to block or hinder investigations into human rights violations in which senior military officers were implicated. Prosecutors working on such cases were removed from the investigations or dismissed from their posts, while others faced death threats; at least one was killed. Several high-profile human rights investigations were also dropped with no apparent justification.

- On 6 February, Oswaldo Enrique Borja Martínez, a public prosecutor investigating the 2001 massacre in Chengue, Sucre department, was killed in Sincelejo, Sucre department. On the same day, Mónica Gaitán, another public prosecutor investigating the massacre, was reportedly forced to resign. Her removal followed the formal initiation, in 2001, of criminal investigations against Rear-admiral Rodrigo Quiñónez Cárdenas for dereliction of duty in failing to prevent the massacre, allegedly carried out by paramilitaries. In March, Rear-admiral Quiñónez was summoned for questioning by the Attorney General's Office. In the same month, his appointment as military attaché at the Colombian Embassy in Israel was announced. In October, he received a medal while still under criminal investigation. Rear-admiral Quiñónez offered his resignation from the armed forces on 26 November following a decision by the USA to withdraw his entry visa because of his alleged involvement in drug trafficking. On 12 November, a lower court cleared a navy sergeant of complicity in the massacre and ordered his provisional release from detention.
- In November, criminal investigations against former generals Rito Alejo del Río and Fernando Millán were terminated. They had been under investigation for involvement in paramilitary activity.

Armed opposition groups

Armed opposition groups were responsible for numerous and repeated violations of international humanitarian law, including hostage-taking and the killing of civilians. In May, the FARC issued "resign or die" threats to judges, mayors and local councillors. The FARC subsequently killed several local officials and civilians they accused of collaborating with their opponents.

- On 5 June, the Mayor of Solita in the southwest of Caquetá department, Luis Carlos Caro Pacheco, was killed. According to press reports, the Colombian Federation of Municipalities attributed responsibility for his death to the FARC.
- On 14 March, four peasant farmers were taken from their homes and allegedly killed by ELN guerrillas in Sotomayor, Nariño department.
- On 26 April, nine banana plantation workers were reportedly killed by the FARC in Apartadó municipality, Antioquia department.

The FARC carried out numerous disproportionate and indiscriminate attacks which resulted in the deaths and wounding of many civilians.

- On 2 May, during armed combat between the FARC and paramilitaries in Bojayá, Chocó department, a gas cylinder mortar fired by the FARC hit a church, killing around 119 civilians taking refuge in the building. An investigation in Colombia by the UN Office of the High Commissioner for Human Rights held guerrilla forces, paramilitaries and also the state partly responsible, since it did not prevent the arrival of the paramilitaries in the area.

Armed forces

Colombia: San Vicente del Caguán after the breakdown of the peace talks - a community abandoned

(AI Index: AMR 23/098/2002)

Colombia: Human Rights and US Military Aid to Colombia IV
(AI Index: AMR 23/122/2002), published jointly by Amnesty International, Human Rights Watch and the Washington Office on Latin America

Colombia: Letter for the attention of Mr Manuel Marulanda, Revolutionary Armed Forces of Colombia- People's Army

(AI Index: AMR 23/124/2002)

Colombia: Security at what cost? The government's failure to confront the human rights crisis

(AI Index: AMR 23/132/2002)

All AI documents on Colombia

There were reports of direct involvement by the security forces in serious human rights violations, including arbitrary arrests, torture, "disappearances" and killings.

- On 24 September, Monguí Jérez Suárez was seriously injured and her husband, Florentino Castellares Zetuián, and her nine-year-old son, Nilson Hernández, were both reportedly killed when soldiers of the Nueva Granada Battalion forced their way into her house in Brisas de Yanacué, Cantagallo municipality, Bolívar department. Reportedly, this military operation was carried out after information was provided to the security forces by civilian informers. Although the military claimed that the two were killed in combat, the Regional Ombudsman reportedly stated that the victims were unarmed.
- On 29 October, the security forces reportedly entered the El Salado area of Comuna XIII in Medellín and took Blanca Lilia Ruiz Marín, John Fredy Sánchez, and Dany Ferney Quiroz Benítez from their homes. A witness stated that he had seen the three detainees in the IV Brigade army base, and that they had been beaten. By the end of the year, the families of the three "disappeared" had not been able to establish their whereabouts.

Paramilitaries

Paramilitary groups continued to spread and consolidate their presence throughout the country, particularly in areas with a heavy military presence. Paramilitaries operating in collusion with the security forces were responsible for the vast majority of "disappearances" and killings of civilians.

- On 4 August, paramilitaries reportedly killed three members of an indigenous community, including indigenous leader Obencio Germán Crillo Queta, from the Valle del Guamuez reservation in Hormiga, Putumayo department.
- On 26 November, paramilitaries reportedly killed at least four peasant farmers in Matal de Flor Amarillo, Arauca municipality, Arauca department, which is part of the Rehabilitation and Consolidation Zone. The paramilitaries were reportedly looking for several people included on a list in their possession.

Kidnappings

There was a significant number of high-profile kidnappings, as well as mass kidnappings, mainly by armed opposition groups. Guerrilla groups were responsible for most of the 1,500 kidnappings carried out by armed opposition groups and paramilitaries.

- On 23 February, the FARC kidnapped presidential candidate Ingrid Betancourt near San Vicente del Caguán, Caquetá department. She remained held at the end of the year.
- On 25 February, Gilberto Torres Martínez, a leader of the Oil Workers' Union, was reportedly kidnapped by the AUC in Monterrey municipality, Casanare department. He was released on 7 April.
- On 20 August, 26 Colombian tourists were kidnapped, allegedly by the ELN, in Bahía Solano on the Pacific coast, Chocó department. Most of the detainees had been released by the end of the year.

Persecution of human rights defenders

Under the new government, human rights activists were killed, "disappeared", detained, threatened and harassed. While expressing an interest in maintaining dialogue with non-governmental organizations, in practice officials and some sectors of the media frequently treated human rights defenders as subversives, targeting them during intelligence and counter-insurgency operations.

Official and unofficial restrictions on movement meant that human rights defenders were not always able to gain access to areas where human rights violations were reported to have taken place. Some activists, journalists and humanitarian workers were interrogated or arbitrarily detained during attempts to reach people in conflict zones cut off from the rest of the country. During raids carried out in so-called intelligence and counter-insurgency operations, individual personal details and valuable information regarding the involvement of members of the security forces in human rights violations was seized from social organizations. On 11 December, the offices of the development organization *Terre des Hommes-Italie*, a project financed by the European Union and established to address the needs of young people affected by the conflict, was raided by state agents allegedly looking for arms, but who also copied information from computers.

Human rights activists from all sectors of society were targeted.

- On 3 September Oswaldo Moreno Ibagué, a human rights worker in Villavicencio, Meta department, was reportedly killed by paramilitaries.
- José Rusbell Lara, a local activist working in Tame municipality, Arauca department, was reportedly shot

dead by paramilitaries on 8 November.

By the end of the year, more than 170 trade unionists had reportedly been killed, the majority by paramilitaries. Several indigenous leaders and journalists were also killed.

- Radio journalist Efraín Varela Noriega, a critic of all sides in the long-running civil war, was pulled from his car and shot dead on 28 June in Arauca department by people believed to be paramilitaries.

Civilians in conflict zones

Peasant farmers, Afro-Colombians and indigenous communities living in conflict zones or areas of economic interest continued to be among the main victims of violations of human rights or international humanitarian law committed by the security forces and their paramilitary allies and by guerrilla forces. Over 350,000 people were internally displaced in the first nine months of the year as a result of threats and killings of civilians committed by both sides in the conflict.

- In October, some 800 members of the Embera Katío Alto Sinú reservation were forcibly displaced from their homes following death threats made against indigenous communities by the FARC and the killing of an indigenous leader.
- Between December 2001 and early 2002 paramilitary incursions in the municipalities of El Tarra and Teorama, Norte de Santander department, led to the forced displacement of more than 10,000 civilians, many of whom fled to regional municipal capitals.

International Criminal Court

Colombia ratified the Rome Statute of the International Criminal Court (ICC) on 5 August. On the same day, President Andrés Pastrana invoked Article 124 of the Rome Statute. This allows a country not to submit those accused of war crimes to the ICC for seven years. Once this period is over, only war crimes committed after the seven-year moratorium can be submitted to the ICC.

In August, the US government called on the Colombian government to sign an immunity agreement to ensure that US security force personnel in Colombia would not be submitted to the authority of the ICC. However, Colombian Foreign Minister Carolina Barco stated that this was unnecessary since US security force personnel and US citizens providing technical assistance would continue to benefit from a 1962 agreement with the USA.

US military aid

Colombia continued to be one of the main recipients of US military aid. The US Congress passed an emergency supplemental spending bill in July that included around US\$27.5 million in additional assistance for Colombia. Included in this package was US\$6 million to begin training a special unit to protect the Caño Limón oil pipeline. The supplemental bill also lifted a previous requirement that limited aid to counter-narcotics efforts so that military aid approved to date can also be used to combat activities by organizations designated as "terrorist" organizations, such as the FARC, ELN, and AUC. AI continued to oppose the provision of US military aid in a context in which the Colombian authorities failed to meet US congressional human rights conditions for the aid or to implement UN human rights recommendations.

Intergovernmental organizations

The UN Commission on Human Rights again condemned the grave and persistent breaches of international humanitarian law committed mainly by paramilitaries and guerrillas. It also strongly condemned the persistence of impunity and expressed concern at the links between the armed forces and the paramilitaries. The UN High Commissioner for Human Rights highlighted that military courts launched or continued with investigations into human rights violations despite recommendations to the Colombian authorities to ensure that all cases of human rights violations and breaches of international humanitarian law should be excluded from military courts.

AI country visits

AI delegates visited Colombia in March, April, May, September, October and December.

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